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way Company. Judgment for plaintiff, and defendant brings error. Affirmed.

Henry Taylor, Jr., of Richmond, and *Lett & Massie*, of Newport News; for plaintiff in error.

Henley, Hall, Hall & Peachy, of Williamsburg, for defendant in error.

BARKER v. COMMONWEALTH. (No. 71.)

June 20, 1922.

[112 S. E. 798.]

1. Indictment and Information (§ 121 (2)*)—Accused Entitled to Bill of Particulars Where Several Offenses Are Charged under Statutory Form of Indictment.—Under an indictment in the form authorized by section 7, Prohibition Act, accused is entitled to be informed specifically by bill of particulars for which of several offenses he is to be prosecuted.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 377.]

2. Indictment and Information (§§ 19, 121 (4)*)—Indictment in Statutory Form Not Required to Be More Definite than a Separate Count as Drawn Prior to Enactment; Prosecutor's Statement Held to Sufficiently Answer Motion for Bill of Particulars.—An indictment in the form authorized by section 7, Prohibition Act, is not required to be more specific than a separate count as drawn prior to the enactment, and motion for a bill of particulars is answered by prosecutor's statement that he would prosecute only under a count that was sufficient, independently of the statute.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 377.]

3. Indictment and Information (§ 87 (4)*)—Allegation of Particular Sale Held Not Necessary.—An indictment for violation of the prohibition act need not allege a sale to any particular person at any particular time if the time is within one year prior to indictment.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 26.]

Error to Circuit Court, Lee County.

Bill Barker was convicted of the illegal sale of ardent spirits, and he brings error. Affirmed.

Pennington & Pennington, of Pennington Gap, for plaintiff in error.

John R. Saunders, Atty. Gen., and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.